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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

United States of America,

Plaintiff,

v.

Marcus Albert,

Defendant.

Case No. 2:16-cr-00286-GMN-PAL

**Stipulation to Waive Defendant's Initial
Appearance with a Magistrate Judge
and Appear for the Initial Appearance
and Revocation Hearing with the
District Court Judge**

Marcus Albert has a pending petition for revocation of supervised release before this Court. ECF 7. On October 28, 2020, Mr. Albert was sentenced to 54 months in custody in a new case out of the District of North Dakota.¹ For reasons of judicial economy and to avoid unnecessary travel and potential exposure to COVID-1, Mr. Albert requests that his initial appearance on that petition take place remotely, before the Honorable District Court Judge Navarro, on Wednesday January 13, 2021 at 2:00 p.m. Pacific time or at another date and time convenient to this Court. Mr. Albert recognizes that his current custodial sentence in a new matter in the District of North Dakota would preclude his release, so concedes that he

¹ 1:18-cr-00126-DLH (North Dakota).

will be detained by this Court without a preliminary hearing. Mr. Albert requests that this Court proceed to the final revocation hearing on the petition and addendum immediately after his initial appearance, Mr. Albert tried to have his Nevada supervised release case transferred to North Dakota for a global resolution.² The parties in Nevada have been in contact with their counter parts in North Dakota. Mr. Albert is currently housed in a contract facility in Washington County, Colorado. The Colorado facility supports Zoom hearings. The Coronavirus Aid, Relief, and Economic Security (CARES) Act, as implemented through this District's Third Amended Temporary General Order of November 12, 2020, "authorize[s] the use of video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available" for supervised release revocation proceedings. CARES Act, § 15002(b)(1)(F), Pub. L. 116-136, 134 Stat 281 (Mar. 27, 2020). Mr. Albert requests that he be allowed to appear via Zoom from this facility to make both his initial appearance and for the final revocation of his supervision. Allowing him to appear via Zoom will expedite the resolution of this pending matter.

The United State Probation Office in this District and the U.S. Attorney's Office do not oppose Mr. Albert's requests. The parties anticipate that all factual matters will be resolved by stipulation and expect to make a joint sentencing recommendation to this Honorable Court.

DATED: January 8, 2021

Respectfully submitted,

Counsel for the Defendant
 Marcus Albert

/s/ Rebecca Levy

Rebecca Levy
 Assistant Federal Public Defender

NICHOLAS A. TRUTANICH,
 United States Attorney

/s/ Daniel J Cowhig

Daniel J. Cowhig
 Assistant United States Attorney

IT IS SO ORDERED.

Dated this 11 day of January, 2021.


 Gloria M. Navarro, District Judge
 UNITED STATES DISTRICT COURT

² 1:18-mj-00254-CSM (North Dakota) ECF No(s). 9 & 12.

CERTIFICATE OF ELECTRONIC SERVICE

The undersigned hereby certifies that she is an employee of the Federal Public Defender for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on January 8, 2021, she served an electronic copy of this **Stipulation to Waive Defendant's Initial Appearance with a Magistrate Judge and Appear for the Initial Appearance and Revocation Hearing with the District Court Judge** by electronic service (ECF) to the person named below:

NICHOLAS TRUTANICH
United States Attorney
DANIEL COWHIG
Assistant United States Attorney
501 Las Vegas Blvd. South
Suite 1100
Las Vegas, NV 89101

/s/ Brandon Thomas

Employee of the Federal Public Defender